



State Water Resources Control Board



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Gray Davis
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TO: Jody Loneragan, Director
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District 3
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FROM: Celeste Cantú
Executive Director
EXECUTIVE OFFICE

DATE: DEC 17 2001

**SUBJECT: ORDER FOR TECHNICALLY - CONDITIONED WATER QUALITY
CERTIFICATION: INTERSTATE-80 DONNER REHABILITATION
PROJECT (PROJECT); CORPS FILE NUMBER 200100227**

This Water Quality Certification Order (Order) responds to your request for water quality certification for the subject Project. In developing this Order, we consulted extensively with the Department of Transportation (Caltrans), Lahontan Regional Water Quality Control Board (LRWQCB), and Central Valley Regional Water Quality Control Board (CVRWQCB), visited the Project site with Caltrans and RWQCB staffs, and reviewed formal and informal comments from Caltrans and the RWQCBs.

ACTION

- ☐ Order for Standard Certification
- ☒ Order for Technically Conditioned Certification
- ☐ Order for Denial of Certification

The attached Project Information Sheet (Attachment) describes the proposed Project. The conditions of this certification follow:

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STANDARD CONDITIONS:

The following three standard conditions apply to all certification actions.

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and Article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to subsection 3855(b) of Chapter 28, CCR 23; and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23, and owed by the applicant.

ADDITIONAL TECHNICAL CONDITIONS

1. **Authorized Work:** The Project shall be constructed in accordance with the plans and other information submitted to the State Water Resources Control Board (SWRCB) and RWQCBs, unless revisions are approved. Caltrans shall submit any proposed changes that may involve impacts to water quality to the SWRCB and concerned RWQCB(s) for review. RWQCB staff(s) will approve any accepted changes in writing (with copy to the SWRCB).
2. **Exemption To Waste Discharge Prohibitions:** Prior to commencing construction activities within the Lahontan Hydrologic Basin, Caltrans shall apply for and obtain from the LRWQCB an exemption to pertinent waste discharge prohibitions specified in section 4.1 of the *Water Quality Control Plan for the Lahontan Region* (Basin Plan); including regionwide prohibitions and those specified for the Truckee River Hydrologic Unit.
3. **Mitigation Plan (MP):** Caltrans shall prepare an MP that fully inventories and evaluates all proposed disturbances to floodplains, wetlands, and other surface waters according to their size, location, and functional value, and shall detail the location, construction plans and schedules, and long-term monitoring and maintenance for any proposed compensatory mitigation. The MP shall also include the following:

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- a. Impacts to Wetlands and other Surface Waters. The MP shall provide compensatory mitigation for all permanent impacts to wetlands and other surface waters, and to floodplains as specified in section 4.1 of the Lahontan Region Basin Plan, at a minimum compensation to loss ratio of 1.5:1. Areas of temporary impact will be restored; and, in addition, compensation for such temporary impacts will be provided at a ratio of 0.5:1.
 - b. Revegetation: Caltrans shall restore areas of temporary impact and shall include a section detailing reclamation and revegetation procedures, success criteria, and a revegetation monitoring plan.
 - c. Approval of MP. Caltrans has submitted a draft MP to the CVRWQCB and LRWQCB. RWQCB staffs will review and modify if appropriate within 30 days of the date of this Order. The RWQCB's modifications shall be included within the Final MP, which shall be submitted a minimum of 30 days prior to beginning construction activities. Construction activities shall not begin in an RWQCB until the respective RWQCB Executive Officer approves the Final MP in writing (with a copy to the SWRCB).
4. **Storm Water Pollution Prevention Plan (SWPPP):** In addition to complying with other requirements of this Order, the Project shall comply with the SWPPP to be developed by Caltrans pursuant to the SWRCB's *Storm Water Permit and Waste Discharge Requirements (WDRs) for the State of California, Department of Transportation (Caltrans)*, Order No. 99-06-DWQ. In the Lahontan Region, the Project shall also comply with the LRWQCB's *Truckee River Hydrologic Unit Project Guidelines for Erosion Control (Erosion Control Guidelines)*.
- a. Approval of SWPPP. Caltrans shall submit a draft SWPPP to the CVRWQCB and LRWQCB staffs a minimum of 90 days prior to beginning construction activities. RWQCB staffs will review and modify if appropriate within 30 days of receiving the draft SWPPP. The RWQCB's modifications shall be included within the Final SWPPP, which shall be submitted a minimum of 30 days prior to beginning construction activities. Construction activities shall not begin in an RWQCB until the respective RWQCB Executive Officer approves the Final SWPPP in writing (with a copy to the SWRCB).
 - b. Contractor Training. Caltrans shall provide the SWPPP and the *Erosion Control Guidelines* to Project contractors and subcontractors prior to beginning the Project and shall provide them appropriate training. Caltrans will give both RWQCBs the opportunity to review and comment on the training content prior to presenting it to the contractors and subcontractors.
 - c. Equipment Maintenance, Fueling, and Washing. Equipment will be maintained, fueled, and washed using the management practices and locations specified in the Final SWPPP.

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d. Implementation of the SWPPP. The Final SWPPP shall include implementation provisions as follows:

- i. If the Caltrans Contractor, Caltrans Resident Engineer (Engineer), or RWQCB/SWRCB staffs discover a deficiency in any aspect of the implementation of the SWPPP or in the deployment or functioning of a control measure, Caltrans shall notify the concerned RWQCB staff as soon as practicable, but not later than six hours after discovery of the deficiency (a "deficiency" is a storm water or non-storm water discharge that is causing or may cause nuisance, pollution, or other beneficial use impairment). Correction of any deficiency shall begin within 24 hours after discovery. Work shall continue until the deficiency has been corrected. Correction may generally occur within normal work hours. However, if the deficiency is causing water quality degradation or it poses an immediate threat of doing so, work will occur around the clock until the deficiency is corrected. Correction shall include work stoppage, if necessary. Corrections may begin at a later time if requested by the Contractor and approved in writing by the Engineer and the RWQCB Executive Officer or designee, but not later than the onset of subsequent precipitation.
- ii. If Caltrans fails to correct the identified deficiency by the date agreed to or prior to the onset of precipitation, the Project shall be in noncompliance with this Order.
- iii. If any Caltrans contractor fails to conform to the provisions of the SWPPP, the Engineer shall order the suspension of all construction operations which may adversely affect water quality.

5. **Wet Weather Contingency:** Caltrans shall monitor forecasts of the National Weather Service (or other weather service approved by the RWQCBs) on a daily basis. If precipitation is forecasted, the necessary water pollution control practices shall be deployed prior to the onset of the precipitation. In addition, where erosion which may degrade water quality is probable, operations shall be so scheduled that permanent erosion control features will be installed concurrently with or immediately following grading operations.

The following measures shall also be taken, as necessary, to protect work areas against storm water runoff and rising water or other "adverse conditions," i.e., any conditions which threaten to shut the Project down due to a rainstorm or snowstorm, which have potential to discharge sediments offsite or which could create other erosion problems.

- a. Prior to Onset of Adverse Conditions. Prior to the onset of adverse conditions during construction, all soil-disturbing activities shall cease. The Project site shall be completely

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stabilized, either permanently or temporarily, to prevent soil movement. Stabilization will be done in a manner that will remain effective through the duration of the adverse conditions. At a minimum, stabilization will include removal of erodible project-related materials from any streambed or drainage channel and protection of earthen material stockpiles to prevent a discharge of such materials to waters of the State.

- b. Advent of Adverse Conditions. In the event of adverse conditions during construction, all disturbed areas (including areas where soil-disturbing activities have ceased) and stabilized areas shall be inspected to monitor the effectiveness of erosion and sediment control management practices. Caltrans shall correct all stabilization failures as soon as soil conditions allow repairs. Until soil conditions permit such stabilization, containment measures shall be used to prevent any unauthorized discharge. Caltrans shall submit a written report summarizing the results of such inspections to the LRWQCB and CVRWQCB Executive Officers within five working days of each storm event.
 - c. Caltrans Staffing Availability. During adverse conditions, Caltrans staff shall be available at all times, including weekends and holidays, to monitor water quality and the implementation of the SWPPP and these wet weather contingency requirements.
6. **Water Quality Monitoring Plan (WQMP) for Lahontan Region:** Consistent with California Water Code, section 13267, and the provisions of Order No. 99-06-DWQ, sections D.4, D.5, and K.2.a, Caltrans shall develop and implement a WQMP for the Lahontan Region to identify any water quality nuisance, pollution, or threatened pollution resulting from the Project and to prompt a Caltrans response in accordance with the above-specified requirements for implementation of the SWPPP. The WQMP shall include the following:
- a. Location and Timing of Sampling. At a minimum, water quality sampling shall occur at the following locations and times during the different phases of construction:
 - i. At Frog Creek (also known as the creek in Billy Mack Canyon), Negro Creek, and at an unnamed (possibly perennial) drainage located approximately at Project Station Number 173+50, sampling shall be performed before, during, and post-construction and shall include a minimum of three pre-project storm runoff events.
 - ii. For the drainages located approximately at Project Station Numbers 200+00, 209+00 to 210+00, and 218+00 to 221+00, sampling shall occur during active construction (i.e., when grading or excavation are ongoing) and post-construction when there is any runoff. Sampling shall begin within two hours of commencement of runoff events.

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iii. Sampling at other drainages shall occur if there is:

- Any runoff,
- Any discharge is observed, and
- Active construction is currently occurring in that area.

Sampling shall begin within two hours of commencement of runoff events. These locations shall be further specified in the WQMP.

b. Sampling Parameters. The WQMP shall include the following suite of pollutants for sampling at each location and shall specify the sampling, analytical, and quality assurance/quality control protocols to be followed:

- i. Total Nitrogen (nitrate [NO₃] and Total Kjeldahl [TKN])
- ii. Total Phosphorus (TP)
- iii. Total Dissolved Solids (TDS)
- iv. Chlorides (Cl)
- v. Turbidity
- vi. Settleable Solids (SS)
- vii. Total Suspended Solids (TSS).

The WQMP may provide for the cessation of monitoring for total nitrogen, total phosphorus, and chlorides in initial sampling indicates that these constituents are not of concern.

c. Duration of Post-Construction Sampling. Caltrans shall conduct post-construction water quality sampling of the water bodies specified above for a minimum of two years. If at the end of two years, monitoring results at any sampling locations indicate that water quality is being degraded due to a project-related disturbance, sampling shall continue at those locations until such time as monitoring indicates that the degradation to water quality is no longer occurring. In conjunction with the post-construction water quality monitoring, Caltrans shall visually monitor all stabilization efforts for any failures or potential failures. For the duration of the post-construction monitoring, Caltrans will submit a "Post-Project Water Quality Monitoring Report" to the LRWQCB Executive Officer on June 1 of each year.

d. Approval of WQMP. Caltrans shall submit a draft WQMP to the LRWQCB a minimum of 90 days prior to commencing construction. LRWQCB staff will review and provide comments within 30 days of receiving the draft WQMP. The LRWQCB's modifications shall be included within a Final WQMP which shall be submitted a minimum of 30 days

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prior to beginning construction. Caltrans will not begin construction activities without written approval of the Final WQMP by the LRWQCB Executive Officer (with a copy to the SWRCB).

7. **In-Stream Work:** All work areas shall be effectively isolated from stream flows using suitable control measures. No excavation or fill shall be permitted in an open stream channel in the absence of effective sediment controls. No waste from dewatering activities shall be discharged to a surface water and all diversion materials shall be removed at the completion of the Project.
8. **Notifications:**
 - b. Pre-Construction Meeting. Caltrans shall notify CVRWQCB and LRWQCB staffs a minimum of 72 hours prior to a pre-construction meeting with the contractor(s) so that RWQCB staffs have the opportunity to attend the meeting.
 - c. Project Initiation and Completion. Caltrans shall notify CVRWQCB and LRWQCB staffs a minimum of 72 hours prior to starting and completing Project construction in the respective Regions so that RWQCB staffs have the opportunity to inspect the Project site.
9. **Regulatory Inspections:** Upon oral notification to the Engineer, Caltrans shall permit CVRWQCB and LRWQCB staffs to:
 - b. Enter the Project site,
 - c. Access and copy any records required to be kept under the terms of the certification, and
 - d. Sample any discharge or threatened discharge.
10. **Informing Contractors of Requirements:** Caltrans shall inform all contractors of the conditions specified in this certification and shall verify compliance.
11. **Violations:**
 - b. Remedies. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions provided under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

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- c. Reporting Requirement. In response to a suspected violation of any condition of this certification, the SWRCB or RWQCB(s) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB or RWQCB(s) deems appropriate, provided that the burden, including costs of the reports, shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- d. Modification of Certification Order. In response to any violation of the conditions of this certification, the SWRCB or RWQCB(s) may add to or modify the conditions of this certification as appropriate to ensure compliance.

CONTACT PERSON:

State Water Resources Control Board

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Regional Water Quality Control Boards (all reports and notifications should be made to the following contacts):

LRWOCB

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